

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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EXETER TOWNSHIP,	:	
	:	
	Plaintiff,	:
	:	
v.	:	No. 5:18-cv-01723
	:	
ERIC GARDECKI,	:	
	:	
	Defendant.	:
	:	

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**O R D E R**

**AND NOW**, this 14<sup>th</sup>, day of December, 2018, upon consideration of Plaintiff's Complaint, ECF No. 1; Defendant's Motion to Dismiss for Failure to State a Claim, ECF No. 4; and Plaintiff's Response to Defendant's Motion to Dismiss, ECF No. 5, and for the reasons set forth in the accompanying Opinion, **IT IS ORDERED** that:

1. Defendant's Motion to Dismiss for Failure to State a Claim, ECF No. 4, is **GRANTED**.
2. Plaintiff is granted leave to file an Amended Complaint with respect to Counts I, II, and V **no later than January 4, 2019.**<sup>1</sup>

BY THE COURT:

*/s/ Joseph F. Leeson, Jr.*  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>1</sup> The Court does not grant leave to amend on Counts III and IV because, as a matter of law, electronic files at issue in this case are not "chattels" under Pennsylvania law, and amendment would be futile.